United Nations S/2006/250

Security Council

Distr.: General
19 April 2006

Original: English

Letter dated 19 April 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the final report of the Panel of Experts as requested by the Security Council in paragraph 2 of resolution 1651 (2005).

The attached report was presented to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on 21 March 2006, and was subsequently considered in the Committee on 19 April 2006 once the report had been translated into all languages. The report is being circulated for the information of the Members of the United Nations.

The Committee intends to speedily complete a thorough consideration of the recommendations contained in the report, after which I will present the Committee's views on the report to the Security Council.

I would therefore be grateful if this letter and its enclosure were circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) Adamantios Th. **Vassilakis**
Chairman
Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan

06-27857 (E) 240406

Annex

Letter dated 21 March 2006 from the Panel of Experts on the Sudan addressed to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

On behalf of the members of the Panel of Experts on the Sudan, I have the honour to transmit herewith the second report of the Panel in accordance with paragraph 3 of Security Council resolution 1591 (2005).

(*Signed*) Gerard **McHugh**
Coordinator
Panel of Experts on the Sudan established pursuant
to Security Council resolution 1591 (2005)

(*Signed*) Sherrone **Blake-Lobban**
Expert member

(*Signed*) Eustace **Mainza**
Expert member

(*Signed*) Bernard **Saunders**
Expert member

Second report of the Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan

Summary

Monitoring implementation of the arms embargo

The flow of arms, especially small arms and ammunition, into Darfur from a number of countries and from other regions of the Sudan continued unabated during the period from January to March 2006.

The Arab militias appear to be maintaining their stock of weapons, ammunition and other equipment through support from entities of the Government of the Sudan, banditry and clandestine sources within the Darfur region.

Movement of arms into Darfur from other parts of the Sudan

The Government of the Sudan continued to move armed troops and supplies into the Darfur region throughout the period without seeking approval from the Committee in accordance with Security Council resolution 1591 (2005). The Government has stated that such movements have been undertaken to address the state of insecurity along the Sudan-Chad border.

Adjacent States have ignored their legal obligation to abide by the arms embargo enacted by the Security Council and failed to implement measures to ensure that persons within their jurisdiction also comply with the embargoes.

In view of this, the Panel recommends a strengthening of the arms embargo by:

Recommendation 1. Establishment of a verification component and a resultant arms inventory to assist the Panel to better monitor implementation of the arms embargo.

Recommendation 2. Modification of the existing embargo, by maintaining the existing arms embargo and complementing it with a verification component; requiring end-use certification for the sale of all military goods and services to the Sudan; United Nations Member States could notify the Committee of sales of military goods and services to the Sudan.

Recommendation 3. Expansion of the arms embargo to the entire Sudan, with exemptions for the Government of South Sudan similar to those currently in place for the Government of the Sudan.

Recommendation 4. Member States that engage in trade of military goods and services with the Sudan could play a more active role in monitoring the implementation of the arms embargo by insisting on end-use certification. Member States could also undertake their own verification checks to trace goods that are reportedly diverted or are at risk of being diverted to the embargoed parts of the Sudan.

Recommendation 5. Preparation by the Security Council Committee of a list of items that should be considered dual-use (military/non-military use) items. The Government of the Sudan should then be required to apply to the Committee for approval to transfer such equipment into the Sudan.

Recommendation 6. States bordering Darfur that demonstrate a willingness to implement the arms embargo, but lack the capacity, should be supported through provision of the necessary technical assistance.

Monitoring implementation of targeted financial and travel-related sanctions

No individual had, as at the time of writing of this report, been designated by the Committee to be subject to financial and travel-related sanctions as provided for by subparagraphs 3 (d) and 3 (e) of Security Council resolution 1591 (2005). The Panel is of the view that designation by the Committee of individuals will provide additional momentum to the entire peace process in Darfur, particularly given the enhanced attention being given by all parties to the situation in Darfur in recent times.

Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights

The Panel has identified impediments to the peace process in 10 categories (presented in annex II), and has gathered information on individuals who impede the peace process according to these criteria. Foremost among those impediments are (1) the actions of SLA in violation of the N'Djamena Ceasefire Agreement, especially those intended to expand the territorial control of the group, and (2) the failure of the Government of the Sudan to identify, neutralize and disarm armed militia groups in Darfur.

Research and investigations conducted by the Panel point to ongoing commission of acts, with increased intensity and frequency since August 2005, that may constitute violations of international humanitarian law. The Panel has conducted case study analyses for three representative cases concerning acts that may constitute violations of international humanitarian law (case studies 9-11). The Panel has gathered information on individuals who commit such acts and will continue to provide this information confidentially to the Committee.

The Government of the Sudan has established a number of mechanisms and initiatives to investigate and address allegations of human rights violations in Darfur. If effectively implemented, these have the potential to make significant progress in addressing human rights violations in Darfur. However, these mechanisms and initiatives are not being implemented effectively at present. The Panel has observed a lack of willingness on the part of the Government of the Sudan to hold to account those who have committed violations of international humanitarian or human rights law in Darfur, and to end the culture of impunity in Darfur through effective and impartial application and implementation of new and existing mechanisms intended to prevent violations of human rights.

The Government of the Sudan continues to use fixed-wing and rotary-wing aircraft for aerial reconnaissance missions and for directing ground forces engaged in military operations (see, for example, case study 9 below).

Recommendation 7. The Committee should act swiftly to designate members of the senior leadership within SLA and the Government of the Sudan who impede the peace process as being subject to the measures imposed in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005).

Recommendation 8. The Security Council should consider imposing additional measures as envisaged under Article 41 of the Charter of the United Nations on SLA and the Government of the Sudan, as collective entities, rather than on individuals for their actions that impede the peace process.

Recommendation 9. On the basis of information provided by the Panel and information from other sources the Committee should act swiftly to designate individuals who have committed acts that may constitute violations of international humanitarian or human rights law as being subject to the measures imposed in paragraphs 3 (d) and 3 (e) of resolution 1591 (2005).

Recommendation 10. The Security Council should consider enhancing the capacity — through additional personnel and resources — of the Panel to provide information on all the substantive mandated areas of the Panel. This enhanced capacity should include dedicated investigation and analysis teams.

Recommendation 11. The Security Council should request the Committee to consider information on children and armed conflict presented to the Council by the Secretary-General under the monitoring and reporting mechanism established in Council resolution 1612 (2005). The Committee would then use this information to assist in the deliberations on possible designation of individuals who commit violations of international humanitarian or human rights law as being subject to the measures in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005).

Recommendation 12. In the event of a future transition from AMIS to a United Nations operation in Darfur, the Security Council should include a strong civilian protection dimension in the mission's mandate. The Council may wish to consider also the establishment of independent, international civilian protection monitoring mechanisms to monitor and report immediately on acts that may constitute violations of international humanitarian or human rights law in Darfur. That team would work independently, but under the protection of a possible future United Nations force.

Recommendation 13. The Security Council should consider establishment of an air exclusion zone (no-fly zone) over the entire Darfur region for all Government of the Sudan aircraft and aircraft utilized by parties to the conflict in Darfur.

Contents

		Paragraphs	Page
	Abbreviations		8
I.	Introduction	1–6	9
II.	Political and security developments relevant to the work of the Panel	7–20	10
	A. Overview	7–8	10
	B. Inter-Sudanese peace talks on Darfur (the Abuja process)	9–10	10
	C. Relations between Chad and the Sudan	11–15	10
	D. Potential transition from AMIS to a United Nations mission in Darfur	16–17	11
	E. Observations: complementing other facets of the Security Council's work on Darfur	18–20	11
III.	Programme of work and methodology	21–34	13
	A. Programme of work	21–22	13
	B. Cooperation and interaction with key interlocutors	23–28	13
	C. Methodology and working principles	29	14
	D. Provision of information on individuals	30–31	14
	E. Working constraints	32	15
	F. Observations: procedural and administrative aspects of the work of the Panel	33–34	15
IV.	Monitoring implementation of the arms embargo	35–65	15
	A. Overview	35	15
	B. Violations of the arms embargo	36–49	15
	C. Observations and recommendations	50–65	19
V.	Monitoring implementation of targeted financial and travel-related sanctions	66–68	23
	A. Targeted financial sanctions	66	23
	B. Travel ban	67	23
	C. Observations and recommendations	68	23
VI.	Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights	69–177	23
	A. Overview	69–70	23
	B. Individuals who impede the peace process or constitute a threat to stability	71–95	24
	C. Violations of international humanitarian or human rights law	96–98	29
	D. Findings: violations of international humanitarian law in Darfur	99–146	29
	E. Findings: violations of human rights in Darfur	147–164	39

F. Offensive military overflights 165–166 42
G. Observations and recommendations 167–177 43

Annexes

I. Institutions consulted 45
II. Categories of acts that impede the peace process or constitute a threat to stability in Darfur and the region 47
III. Selected list of security incidents and attacks in Darfur, 15 November 2005 to 28 February 2006 49

Tables

1. Verification component 21
2. Case studies on significant incidents or attacks considered by the Panel 30

Figures

1. Antonov A12 aircraft at Geneina, February 2006 17
2. Mi-8 helicopter with Sudanese armed forces registration number and AMIS being erased 18

Abbreviations

AMIS	African Union Mission in the Sudan
AU	African Union
FRC	Field Revolutionary Command
JEM	Justice and Equality Movement
NMRD	National Movement for Reform and Development
SLA	Sudan Liberation Army
SLM/A	Sudan Liberation Movement/Army
UNMIS	United Nations Mission in the Sudan
WFP	World Food Programme

I. Introduction

1. In its resolution 1591 (2005) of 29 March 2005 the Security Council requested the Secretary-General, in consultation with the Committee established under that resolution, to appoint a Panel of Experts for a period of six months to assist the work of the Council and Committee.

2. The Panel of Experts was appointed by the Secretary-General on 30 June 2005 and provided its first report to the Committee on 9 December 2005. That report was issued as a document of the Security Council in January 2006 (S/2006/65). By its resolution 1651 (2005) of 21 December 2005, the Council extended the mandate of the Panel of Experts until 29 March 2006.

3. Under Security Council resolution 1591 (2005) the Panel is mandated to undertake the following substantive tasks:[1]

- To assist the Committee in monitoring implementation of the measures in paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 7 of resolution 1591 (2005), that is, provisions concerning the arms embargo.
- To assist the Committee in monitoring implementation of the measures in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005), that is, provisions concerning targeted financial and travel-related sanctions.
- To make recommendations to the Committee on actions the Security Council may want to consider.

4. Moreover, the Panel is identified in Security Council resolution 1591 (2005) as a source of information to the Committee regarding individuals who

> impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of [resolution 1591 (2005)] as implemented by a State, or are responsible for offensive military overflights described in paragraph 6 of [resolution 1591 (2005)].[2]

5. The mandated tasks set out above and the identification of the Panel as a source of information on specific issues constitute the four main substantive task areas of the Panel.

6. The present report is submitted pursuant to paragraph 2 of Security Council resolution 1651 (2005), in which the council requested the Panel to report and make recommendations to the Council, through the Committee, prior to 29 March 2006. This report provides an update to the previous report of the Panel submitted to the Committee in December 2005. Taken together, the two reports cover the period from 29 March 2005 to 15 March 2006.

[1] The various elements of the Panel's mandate are specified in paragraph 3 of resolution 1591 (2005).

[2] Resolution 1591 (2005), para. 3 (c). The sources of information identified in that paragraph are (a) Member States; (b) the Secretary-General; (c) the United Nations High Commissioner for Human Rights; (d) the Panel of Experts; and (e) other relevant sources.

II. Political and security developments relevant to the work of the Panel

A. Overview

7. The Panel undertook its work in fulfilment of its extended mandate in an atmosphere characterized by a volatile security environment in Darfur and rapid political developments along several dynamic and interconnected strands, including the ongoing consultations under the mantle of the inter-Sudanese talks on Darfur (the Abuja process), heightened tensions between Chad and the Sudan due to military activities in the border area, and discussions on a potential transition from the African Union Mission in the Sudan (AMIS) to a United Nations mandated or constituted peace operation in Darfur.

8. This section deals with elements of those recent developments that are relevant to the work of the Panel under its current and any potential future mandate.

B. Inter-Sudanese peace talks on Darfur (the Abuja process)

9. As at mid-March 2006 the seventh round of the inter-Sudanese peace talks on Darfur were continuing in Abuja ("Abuja VII"). Progress has been slow during this round of the talks although some advances have been made on security arrangements which, together with power-sharing and wealth-sharing, constitute the three primary technical facets of the talks.

10. In addition to discussion on these three substantive areas, the talks have focused on reaching agreement on an enhanced ceasefire agreement between the parties. Early in March the African Union mediation team presented to the parties at Abuja the basis for an enhanced humanitarian ceasefire agreement.

C. Relations between Chad and the Sudan

11. The deployment of armed forces and military equipment in Darfur along the border with Chad by the Government of the Sudan represents a violation of the arms embargo. The entry into Darfur, with their weapons, of Chadian deserters who in many instances join rebel groups in Darfur is a source of additional weapons for some rebel groups. In addition, the tensions between Chad and the Sudan have the potential to derail the Darfur peace process and cause regional instability and continued insecurity for internally displaced persons and refugees of the Darfur conflict.

12. The Sudan/Chadian border is no more than a line in the desert, the concept of a border being often ignored by nationals of both countries. Insurgents from the Sudan and Chad regularly cross the border unhindered. Since December 2005, there has been an increase in attacks on both Sudanese and Chadian villages along the common border. Most of the attacks are committed by insurgents from both sides.

13. The ongoing crisis between the Sudan and Chad stems from tribal conflicts in the two countries and a power struggle in Chad. Tribal allegiance in many instances supersedes national allegiances. Compounding the issue is the fact that tribes, such as the Zaghawa tribe, straddle the border between the two countries. Several

prominent SLA and JEM officers served in the Chadian army and some are also Chadian citizens. The President of Chad, Idriss Deby, is from the Zaghawa tribe. The Panel maintains that the Government of Chad, or elements within the Government of Chad, continues to actively support rebel groups in Darfur.

14. The Sudan has in the past fostered the Chadian dissident problem. The territory of the Sudan has been used as a staging ground to topple at least two Chadian presidents. President Deby successfully toppled the then Government with Sudanese and Libyan military support. It is now believed that President Deby himself is under similar threat. Consequently, the Chadian army is now suffering from a high rate of desertion. The deserters take their weapons with them and join SLA, JEM or Chadian opposition groups operating within Darfur.

15. The Government of the Sudan is also known to support Chadian opposition groups in their cause against President Deby. Ironically, the Government of Chad is a key figure in the Darfur peace process. This ambivalent relationship between Chad and the Sudan has resulted in confusion within the international community and mistrust between the two parties.

D. Potential transition from AMIS to a United Nations mission in Darfur

16. Since late in 2005 there have been intense consultations and debate among key stakeholders regarding a possible future transition to a United Nations mandated or constituted peacekeeping force in Darfur. In its communiqué of 12 January 2006, the African Union agreed in principle to the future transition of the African Union Mission in the Sudan to a United Nations operation.

17. On 3 February 2006 the Security Council issued a presidential statement requesting the Secretary-General to initiate contingency planning jointly with the African Union on a range of options for a possible transition from AMIS to a United Nations operation in Darfur (S/PRST/2006/5). At the 46th meeting of the African Union Peace and Security Council in Addis Ababa on 10 March 2006, the Peace and Security Council decided to extend the mandate of AMIS until 30 September 2006 and reiterated its decision to support in principle the transition from AMIS to a United Nations operation in Darfur (see S/2006/156).

E. Observations: complementing other facets of the Security Council's work on Darfur

18. In the light of the recent political developments in Darfur and the ongoing consultations and deliberations of the Security Council on the situation in Darfur, the Panel has observed several areas where the work of the Panel interfaces with other facets of the Council's work relevant to Darfur. The Panel presents here some of its observations on how the Council can ensure maximum complementarity across the various strands of its work.

19. The Security Council has adopted a number of resolutions and issued a number of statements concerning the situation in Darfur, including:

- Resolution 1556 (2004) concerning the implementation and monitoring of the arms embargo.
- Resolution 1564 (2004) on the obligations of the parties to the conflict in Darfur under the N'Djamena Humanitarian Ceasefire Agreement.
- Resolution 1590 (2005) on the establishment of the United Nations Mission in the Sudan.
- Resolution 1591 (2005) concerning the implementation of the arms embargo, targeted financial and travel-related sanctions, and provision of information to the Security Council in certain areas.
- Resolution 1593 (2005), in which the Council referred the situation in Darfur to the International Criminal Court.
- Presidential statement of 3 February 2006 (S/PRST/2006/5) requesting the Secretary-General to initiate contingency planning on a range of options for a possible transition from AMIS to a United Nations operation.

20. To ensure maximum complementarity across these various strands and with other political developments, the Panel presents the following observations:

(a) Any consultations and planning for a possible future transition from AMIS to a United Nations operation should consider how the mandate of any potential United Nations operation could complement the work of the Panel under resolution 1591 (2005) and vice versa; for example, any future United Nations mandated or constituted operation in Darfur could be mandated to provide information to the Committee and Panel on possible violations of the arms embargo.

(b) The Panel has built an excellent working relationship with AMIS and the African Union Ceasefire Commission; the Security Council should consider ways in which to obtain maximum benefit from this relationship, for example by considering the establishment of a liaison arrangement between the Panel or an expanded version of the Panel's proposed enhanced investigative team and the Ceasefire Commission.

(c) Consultations on a possible extended or renewed mandate for the Panel should include consideration of the degree to which the Panel's mandate can be strengthened by linking it with any future border (Chad-Sudan) monitoring capability, whether by a future United Nations operation, AMIS or another entity.

(d) The Security Council should consider ways in which the measures specified in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005) can be more formally linked to the demands of the Council in paragraph 6 of resolution 1556 (2004).

III. Programme of work and methodology

A. Programme of work

21. Following the extension of its mandate in December 2005 to 29 March 2006, and the conclusion of its work under the previous mandate on 12 January 2006, the Panel reconvened in New York on 1 February 2006 and consulted with the Committee soon thereafter. The Panel then travelled to Europe for further consultations before proceeding to its base of operations in Addis Ababa on 10 February 2006. The Panel travelled to Khartoum on 24 February 2006 and met with senior representatives of the Government of the Sudan, UNMIS and AU in furtherance of its mandate.

22. The Panel travelled late in February 2006 and early in March to the three States of Darfur and conducted its research and investigations, including a series of meetings with representatives of the Government of the Sudan, UNMIS and other agencies operating in Darfur. The Panel's visit to Darfur focused on some of the significant attacks that had recently occurred, such as the attacks on Gereida and Sheiria (presented as case studies in section VI below). The Panel subsequently returned to Khartoum for further consultations with the Government of the Sudan before proceeding to Addis Ababa on 8 March 2006.

B. Cooperation and interaction with key interlocutors

Government of the Sudan

23. Upon arrival in Khartoum in February 2006, the Panel met with the designated focal point for Security Council resolution 1591 (2005) within the Ministry of Foreign Affairs. The Panel also met with the Assistant Representative of the President to the Darfur States. The Ministry of Foreign Affairs facilitated meetings for the Panel with other members of the Government and acted as the focal point for information requests submitted by the Panel.

24. During the Panel's visit to Darfur, the Panel engaged with the representatives of the Government of the Sudan in Southern and Northern Darfur, including the Governor (Wali) of Northern Darfur State, representatives of the police, armed forces, national security and other government agencies. The Panel used those meetings as an opportunity to seek information and to reiterate the mandate and approach of the Panel, to inform the relevant authorities of the work of the Panel, and to solicit information on areas of particular interest to the Panel.

25. The Panel experienced varying levels of cooperation from Government Ministries, including in response to information requests submitted by the Panel. While the Government's facilitation of meetings was very good, one specific request to visit military supply facilities in Darfur as part of the Panel's monitoring role was refused by the military, notwithstanding the Panel's advance request for the visit.

26. During its extended mandate, the Panel sought to visit the Libyan Arab Jamahiriya to conduct an assessment of measures in place to implement the arms embargo and related sanctions to be imposed against persons to be designated by the Committee; and also to conduct consultations with officials of the Libyan Ministry of Defence and Customs Authority. The Panel will continue its dialogue with

interlocutors within the Government of the Libyan Arab Jamahiriya with a view to conducting a future visit.

Other key interlocutors

27. In line with its mandate the Panel met with AMIS representatives in both Khartoum and Darfur. On the basis of previously established modalities for sharing information, the Panel continued to receive full and excellent cooperation from AMIS.

28. The Panel continued its liaison relationship with the International Criminal Court by meeting with representatives of the Court during the Panel's consultations in Europe. The Panel continued to receive excellent logistical support from UNMIS while undertaking its work in Khartoum, Darfur and other locations in the Sudan.

C. Methodology and working principles

29. The Panel's methodology and working principles remained as outlined in the Panel's first report S/2006/65. The Panel maintained the view expressed in its first report that its work could complement the ongoing political processes — especially the Abuja process — and assist in implementing measures that could deter and hold to account individuals who might otherwise choose to impede the peace process, violate the arms embargo or commit violations of international humanitarian or human rights law. In undertaking its work the Panel continued its approach of consulting and engaging constructively with as broad a range of stakeholders as possible so that the full spectrum of perspectives could be reflected in the Panel's findings and recommendations.

D. Provision of information on individuals

30. For the areas of its work relating to provision of information to the Committee on individuals who impede the peace process, commit violations of international humanitarian or human rights law, or are responsible for offensive military overflights, the Panel has provided some information to the Committee that is not included in the report. This decision was motivated by the following considerations: (a) the desire not to give advance warning to those whom the Committee may decide to designate as being subject to the measures specified in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005); (b) the desire to provide a window of opportunity for the Committee and the Council to fully consider the list of individuals identified before the names are made public; and (c) the desire not to compromise ongoing investigations of the Panel on certain individuals and the ongoing investigations of other competent bodies pursuing investigations in Darfur.

31. The Panel wishes to emphasize that it is the prerogative of the Committee to designate those individuals who are subject to the measures in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005).

E. Working constraints

32. The Panel intends to continue reviewing information received during the present mandate that was not incorporated in this report. That information will be utilized in the event the Panel's mandate is extended. Owing to a change in the Panel's composition, the Panel was without an arms expert from 13 January to 4 March 2006.

F. Observations: procedural and administrative aspects of the work of the Panel

33. The Panel has identified the lack of personnel resources as a significant constraint on its work. In the event that the mandate of the Panel is extended or renewed, the Security Council should consider (a) expanding the membership of the Panel, or (b) ensuring that the United Nations Secretariat makes available the necessary resources for additional personnel (for example, several consultants) to assist the work of the Panel.

34. In the past nine months the Panel has gathered a significant amount of detail relating to its work. To use all the material to best advantage a complete analysis of the information by a trained analyst would be extremely beneficial. Ideally such an individual should be literate in Arabic, thus eliminating the necessity of relying on others to undertake translation in a timely manner.

IV. Monitoring implementation of the arms embargo

A. Overview

35. On the basis of continuing research and information provided by reliable sources, the Panel maintains that weapons, notably small arms, ammunition and military equipment, continue to enter the Darfur States from a number of countries and from other regions of the Sudan.[3]

B. Violations of the arms embargo

Supply to SLA

36. The Sudan Liberation Army has shown a notable increase in capacity since September 2005 to engage the forces of the Government of the Sudan. From observation and credible reports, there appears to be an increase in small arms and light weapons in the possession of SLA, and its operatives have been able to attack Government positions with greater success. The Panel is continuing its investigations in this area, in order to establish the source and transit routes of the military supplies to SLA.

[3] The Panel used processes of data/information triangulation to verify and validate information which it gathered. In this regard the Panel set for itself an evidentiary standard which required the verification of information by a minimum of two independent and verifiable sources (see S/2006/65).

Chadian rebels

37. As armed elements operating in Darfur, Chadian insurgents pose a significant threat to peace and security in Darfur and the region. Chadian rebels contribute to the conflict by joining the Darfurian rebels and simultaneously serve as a supply source of weapons by virtue of defecting with their weapons, ammunition and in some cases their military uniforms across the border into Darfur. Consequently, they continue to strengthen the arms supply of SLA, namely Minni Minawi's faction, and NMRD.

Government of the Sudan

Militia groups

38. The Panel has credible information and evidence that the Government of the Sudan continues to support armed militia through the provision of weapons. In its previous report, the Panel presented its findings that some Arab militias affiliated with the Government as Popular Defence Forces or border intelligence guards continue to receive ammunition from the Sudanese armed forces and other unknown sources, most likely from sympathetic Government officials. Their continued access to ammunition is evident in their ability to coordinate with the Sudanese armed forces in perpetrating attacks on villages and to engage in armed conflict with rebel groups. The Panel also concludes from its investigations that the Government continues to undertake coordinated attacks with the militias on villages and against rebel forces (see case studies in section VI below).

Transfer of arms and deployment of forces from other parts of the Sudan into Darfur by the Government of the Sudan

39. At the time of writing, the Government of the Sudan still had not requested approval from the Committee to move weapons, ammunition or other military equipment into Darfur. The Government of the Sudan is fully aware of its obligations to do so in accordance with paragraph 7 of resolution 1591 (2005).

40. In its response to the first report of the Panel, and by the admission of the Western Military Region Commander and other senior Government officials, the Government of the Sudan has transferred weapons and additional military personnel into Darfur since December 2005.[4] This they claim is in order to address the conflict between the Sudan and Chad.

41. As part of their mandate to monitor implementation of the arms embargo, Panel members undertook a visit to the headquarters of the Western Military Region Commander to visit logistical and workshop facilities of the Sudanese armed forces in the El-Fasher area.[5] Supplementary reports from eyewitnesses and photographic evidence indicate that the Sudanese armed forces continue to transfer vehicles and helicopters into the Darfur region. Consequently, the Panel requested an inspection of the facilities in order to confirm this detail. However, the Western Military Region Commander, General Al-Bashir Abdullah, informed the Panel that no new

[4] See the response of the Government of the Sudan to the report of the Panel of Experts (S/2006/96, annex, para. 32 (b)).

[5] Meeting at El-Fasher, Northern Darfur, with General Al-Bashir Abdullah, Western Military Region Commander, Sudanese armed forces, 6 March 2006.

weapons had been brought into Darfur since the adoption of resolution 1591 (2005), that no military stores existed and that therefore there were no facilities to visit. He also informed the Panel that all existing helicopters and vehicles were used solely for administrative purposes.

42. This is a contradiction of statements by other Government of the Sudan officials, such as General Mohammed A. Mustafa Eldabi, Assistant Representative of the President to the Darfur States, who informed members of the Panel that military stockpiles did exist in Darfur.[6] He did however concur with the statement of the Western Military Region Commander that no new weapons or equipment including vehicles had been transferred into Darfur since the expansion of the arms embargo in March 2005.

Use by the Government of the Sudan of white unmarked and white military-type aircraft

Figure 1
Antonov A12 aircraft at Geneina, February 2006

43. The Panel received photographic evidence of an unmarked Antonov A12 aircraft at the Geneina airfield on 20 February 2006 (see fig. 1). Sudanese armed forces personnel are visible in close proximity to the aircraft. Eyewitnesses at the airfield observed Government of the Sudan armed forces offloading supplies from the aircraft, but it has not been possible to determine the nature of those supplies. The aircraft has also been observed, on a separate occasion, delivering fuel (in barrels) to military attack helicopters stationed at Geneina.[7]

[6] Meeting with General Eldabi in Addis Ababa, 10 March 2006.

[7] Panel interview with eyewitness (name withheld) in El-Fasher, 8 March 2006.

44. In addition, the Government of the Sudan continues to use white aircraft similar to those used by AMIS, the United Nations and some international non-governmental organizations (see fig. 2). While the use of white and unmarked aircraft is not prohibited, the transfer of such aircraft into Darfur for military use constitutes a violation of the arms embargo. It is also an impediment to the peace process, as the practice of using white vehicles and unmarked aircraft presents a real danger for the peacekeeping forces and humanitarian organizations operating in Darfur.

Figure 2
Mi-8 helicopter with Sudanese armed forces registration number and AMIS being erased

45. The Panel has evidence that the Government of the Sudan leased at least one Mi-8 helicopter from a local leasing company of foreign origin. This "white" helicopter has been at the centre of controversy, as it was reported to be previously leased by AMIS and was later leased to the Government of the Sudan with the AMIS sign still affixed (as shown in fig. 2). The continued use of unmarked and/or white helicopters for military use indicates reluctance on the part of the Government to seriously consider the threat this action poses for the United Nations and AMIS.

46. On several occasions SLA and NMRD operatives have threatened to shoot down any white helicopters, including United Nations and AMIS helicopters, that fly over certain areas in Darfur. They claim this is in response to the Government's practice of using white helicopters similar to those used by the United Nations and AMIS. This situation has led to at least one incident where United Nations pilots had to take evasive action to avoid bullets fired from the ground, reportedly by members of SLA. The Panel judges that those threats and hostile acts by the rebel group constitute an impediment to the humanitarian and peacekeeping efforts in Darfur and thus an impediment to the peace process.

Procurement of military equipment

47. In its first report, the Panel indicated that it was in the process of gathering information in order to establish the final destination and end-user of a consignment of military trucks and mobile workshops which had been imported into the Sudan. The Panel had evidence to suggest that a portion of the shipment had been diverted

to Darfur, without prior approval from the Committee, in violation of paragraph 7 of resolution 1591 (2005).

48. In response to the Panel's queries regarding clarification on the end-user and the final destination of the vehicles, the Ministry of Finance and the Economy stated that the end-user was the Ministry of Defence, which ultimately determines the manner in which the vehicles are utilized.

49. The Panel further attempted to verify how many of the vehicles were diverted to Darfur. However, Panel members were not allowed to conduct checks to verify how many of the vehicles were diverted to Darfur.[8]

C. Observations and recommendations

Dual-use items

50. The claim by the Sudanese armed forces that helicopters and vehicles recently transferred into Darfur are used solely for administrative purposes points to the need for clarification on the transfer and utilization of dual-use equipment. Equipment which may be considered dual use includes trucks, Land Cruisers and helicopters (such as Mi-8 and Mi-37 helicopters), which may be used for transporting civilians as well as mounting weapons.

Regional and international Customs and border control mechanisms

51. The effective implementation and monitoring of the arms embargo relies heavily upon the cooperation of States Members of the United Nations, even more so than cooperation with the country that is subjected to the sanctions. In addition, Member States have an obligation to comply with sanctions imposed by the Security Council. Member States should take measures to ensure that their territory is not used as a trans-shipment point or staging ground for either the illicit arms trade or violations of the travel ban and assets freeze. In order to effectively implement the arms embargo and related sanctions, pursuant to resolution 1591 (2005), all countries need to have the necessary legal framework embedded within their national laws. This legal element requires political will as well as technical and financial capacity.

Regional border control mechanisms

52. The cooperation of States bordering the Darfur States and their capacity to take measures to implement the arms embargo are essential for the effectiveness of the present and any potential future expanded arms embargo. During its previous mandate, the Panel conducted an initial assessment of the legal framework of Chad for implementing the arms embargo. The results of the assessment indicated that no formal legislation was in place to implement the arms embargo or legally prosecute citizens who violated the embargo.

53. The crisis between Chad and the Sudan is cause for concern and has become an impediment to the peace process and a serious threat to stability in Darfur and the region. The insecurity on the Sudan/Chad border is escalating the humanitarian

[8] The Panel members attempted to visit the stores to verify how many of the vehicles were diverted, but the Commanding Officer informed them that no stores existed (see para. 41 above).

crisis and has led to fatal attacks on villagers and internally displaced persons on both sides of the border.

International border control mechanisms

54. Countries outside continental Africa engage in legal trading of military goods and services with the Government of the Sudan. In order to effectively implement the arms embargo, countries that sell weaponry, conduct military training and provide technical assistance to the Government of the Sudan, could take measures to ensure that goods are not diverted to Darfur. The Panel recognizes that the Government of the Sudan is ultimately responsible for the final destination and use of goods sold under normal trade. Despite this, the Panel maintains that Member States that trade with the Sudan could play a more active role in ensuring that goods sold under normal terms of trade do not end up in the Darfur States.

Internal movement of military goods and equipment from other parts of the Sudan into Darfur

55. On the basis of evidence gathered, the Panel concludes that the Government of the Sudan continues to violate the arms embargo by transferring equipment and related weapons into Darfur; supplying some militia groups with arms and ammunition; and providing support to militia groups in their attacks against villages and rebel groups. The Government of the Sudan insists that it has the right to transfer and deploy troops to address the Sudan/Chad crisis.

Recommendations to strengthen the arms embargo within the context of the present territorial challenges

56. The Panel presents the following recommendations and requests that they be considered for timely implementation.

Recommendation 1. Verification of arms and ammunition

57. In its first report (paras. 135 and 136), the Panel recommended that a verification be undertaken in order to develop an arms inventory as a way to assist in monitoring the implementation of the arms embargo. The Panel sees this verification component as essential to the effective implementation of the arms embargo. The terms of reference and structure of this component could be developed in conjunction with the AU Ceasefire Commission.

58. The Panel will expound on this verification component for the purposes of the Committee's deliberation. A summary of the proposed elements of this recommendation is set out below.

Table 1
Verification component

Element	*Owner of process*	*Remarks*
Undertake verification of existing weapons and related equipment in Darfur. The end product would be baseline data which would form the basis of an arms inventory database, to assist in monitoring implementation of the arms embargo. The aim is to collect baseline data, which includes types of weapon and equipment, with their identification marks, and locations. This information would then be used by those monitoring the implementation of the arms embargo (in this case the Panel members).	This verification could be undertaken by the African Union Ceasefire Commission, during its current mandated verification process.	1. Currently the Ceasefire Commission has the role of verifying the location of the parties involved in the conflict. This function has not materialized, owing to various factors, including the refusal of some rebel groups to identify their positions. However, recent developments in Abuja indicate that the rebel groups are now willing to identify their positions. 2. An alternative to the Ceasefire Commission could be an independent verification team, drawn from the United Nations and AU. 3. Any new monitoring and verification function should be in congruence with the provisions for disarmament, redeployment and arms control currently being discussed at Abuja. It is envisioned this will form the core of an enhanced humanitarian ceasefire agreement.
Enhance the investigative role of the Panel of Experts, to include checks/inspections and investigations, using the baseline data provided by the Ceasefire Commission or other entity.	Security Council and its relevant Committee	The enhanced role could be reflected in the relevant Security Council resolution.
Enhance the Panel's Customs and arms expert capacity with additional human resources.	Security Council/United Nations	The increased number of Panel members would be determined by the scope of the work. The scope of the work will be determined after the verification has been undertaken or while it is in process.

Recommendation 2. Modification of the existing arms embargo

59. The Panel recommends that the present arms embargo be retained and that it be complemented with the following:

- Installation of a verification component (see table 1).
- Requiring end-use certification for the sale of all military goods and services to the Sudan (see para. 61).
- Requirement that Member States supplying the Sudan with military goods and services notify the Committee of such sales (see para. 62).

Recommendation 3. Expanding the arms embargo

60. The Panel recommends expanding the arms embargo to the entire Sudan, with exemptions similar to the present embargo for the Government of South Sudan.

Recommendation 4. End-use certification

61. In the context of the present arms embargo, it is recommended that countries, which conduct trade in military goods and services with the Sudan implement a self-imposed requirement for end-use certification. The supplying State would request the Government of the Sudan to provide an end-use certificate, which would state the destination of the respective military goods and services. The Panel notes the potential risk that military goods and services exported to the Sudan may be diverted to the embargoed States of the Darfur. By insisting on end-use certification, the Sudan's trading partners could play a more active role in ensuring that military goods which originate from their ports are not diverted to Darfur. End-use certification could be more effective if these countries follow up with their own verification checks, to trace goods that are at risk of being diverted into Darfur.

62. The Panel also recommends that the Committee request Member States that trade with the Sudan to submit a prior notification to the Committee. This information would also assist the Panel to better monitor and notify Member States of goods that are reportedly diverted to Darfur.

Recommendation 5. Dual-use items

63. The Panel recommends that the Committee develop a list of items that fall within the dual-use category. The transfer of such items into Darfur should be restricted and their transfer subject to approval by the Committee. The Government should be required to seek prior approval from the Committee to transfer such items into Darfur. The Committee could refer to the existing Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

Recommendation 6. Technical assistance

64. The Panel recommends that additional in-depth assessment of the Customs and border control capacity of the countries bordering Darfur be undertaken. Information garnered should be used to determine the level of assistance to be given to these States to build their capacity to implement the arms embargo. Such assistance should be rendered only to States that demonstrate the commitment and political will to implement the embargo imposed on Darfur. The Committee could also invite those neighbouring States to communicate such needs in writing to the Committee.

65. For developing countries such as those neighbouring Darfur, better monitoring of borders by Customs and other border control agents is one of the most effective ways of implementing arms embargoes and maintaining peace and security.

V. Monitoring implementation of targeted financial and travel-related sanctions

A. Targeted financial sanctions

66. Notwithstanding the extension by the Security Council of the mandate of the Panel to 29 March 2006, no individual had, as at the time of writing of this report, been designated by the Committee to be subject to financial sanctions as provided for by subparagraph 3 (e) of resolution 1591 (2005). The Panel remained constrained in its ability to fulfil its mandate of assisting the Committee to monitor the implementation by Member States of financial sanctions as contained in subparagraph 3 (e) of resolution 1591 (2005).

B. Travel ban

67. The constraints faced by the Panel in assisting the Committee to monitor the implementation of financial sanctions by Member States also applied to the mandate of the Panel to assist in monitoring the travel ban as provided for under subparagraph 3 (d) of resolution 1591 (2005). However, it is worth reiterating that the porous nature of the Sudan's border would require collaborative initiatives among its neighbours if the travel ban were to yield the expected results.

C. Observations and recommendations

68. The Panel is of the view that designation by the Committee of individuals will provide additional momentum to the entire peace process in Darfur, particularly given the enhanced attention being paid by all parties to the situation in Darfur in recent times.

VI. Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights

A. Overview

69. The Panel is identified in paragraph 3 of Security Council resolution 1591 (2005) as a source of information to the Committee on individuals who (a) impede the peace process or constitute a threat to stability in Darfur and the region; (b) commit violations of international humanitarian or human rights law or other atrocities; (c) violate the arms embargo; or (d) are responsible for offensive military overflights. In its first report to the Council, the Panel provided information on individuals in each of these thematic areas.[9]

[9] The Panel provided this information confidentially to the Committee; the information was not included in the report of the Panel (S/2006/65).

70. This section presents the findings and recommendations of the Panel under its extended mandate for three of the areas identified above. The fourth thematic area — information on individuals who violate the arms embargo — is dealt with in section V of this report. Supplementary information regarding individuals on whom the Panel has previously provided information to the Committee and on individuals identified as committing acts in areas of investigation of the Panel under the extended mandate is being provided to the Committee confidentially in a separate document.

B. Individuals who impede the peace process or constitute a threat to stability

Criteria for acts that impede the peace process or constitute a threat to stability

71. The Panel presented in its first report a set of nine criteria to guide its provision of information to the Committee on individuals who impede the peace process or constitute a threat to stability in Darfur or the region (see S/2006/65, para. 144 and table 1). The Panel has reviewed and refined these criteria and the new set of criteria — now constituting 10 categories — is set out in annex II to the present report. The updated criteria serve as categories of acts (of omission or commission) that constitute impediments to the peace process or threats to stability.

72. The findings arising from the Panel's work under its extended mandate are presented here in each of the 10 categories of acts that constitute impediments to the peace process and/or threats to stability in Darfur and the region. Following the approach adopted in presentation of information to the Committee in its first report, the Panel is providing information on specific individuals confidentially to the Committee in a separate document.

Categories I and II
Conduct of hostilities and violations of the N'Djamena Ceasefire Agreement and associated protocols

73. The work of the Panel under its extended mandate has reinforced the findings presented in its first report that there are ongoing wilful and systematic violations of the N'Djamena Ceasefire Agreement by all parties to the Agreement. Those violations have been observed by the Panel during the entire period of its investigation (29 March 2005-15 March 2006), but the frequency and intensity of violations has increased since August 2005. The vast majority of violations have been committed by the Government of the Sudan and SLA, either in separate incidents or in cases involving both parties.

74. The extent of the violations are such that, in the view of the Panel, no effective ceasefire exists between the parties in Darfur at the present time. The absence of strong and decisive sanction measures for violations of the ceasefire in the Agreement itself or in the working procedures of the Joint Commission has contributed to the ongoing violations, as parties act with relative impunity. At the time of writing, the parties to the inter-Sudanese talks on Darfur at Abuja were considering the provisions of an enhanced ceasefire agreement.

75. In the period from August 2005 to mid-March 2006 the Panel has identified a pattern of violations perpetrated by SLA and the Government of the Sudan. Violations of the N'Djamena Ceasefire Agreement and associated protocols perpetrated by SLA include (a) conduct of military operations; (b) deployments, movements and other actions to extend the territory under the control of SLA; (c) continued acquisition of military equipment; (d) restrictions on the movement of personnel; and (e) failure to ensure humanitarian access.

76. The Panel has observed that in certain instances SLA has initiated military attacks — for example in the area of Sheiria, Southern Darfur, in September 2005 (see case study 9 below) — which have provoked a response from the Government of the Sudan or from militia groups associated with certain tribes in Southern Darfur, or a combination of both — as in the case of the engagements in Sheiria in January and February 2006. The initial attacks have in many cases resulted in a sequence of steps that have escalated the fighting. The sequence observed by the Panel is the following: (1) initial SLA attack; (2) reprisal by Government of the Sudan forces or militia groups, or both; (3) exacerbation of tension between local tribes perceived to be supporting or actually supporting SLA or the Government; (4) escalation of engagements as the Government of the Sudan and SLA and the aligned or support groups enter into more sustained engagements. In these spiralling incidents the escalation of engagements has resulted in polarization of groups supporting SLA and the Government of the Sudan. This polarization has in turn impeded the ability of tribal reconciliation processes to have an impact on reconciling disputes between tribes.

77. Violations of the N'Djamena Ceasefire Agreement and associated protocols perpetrated by the Government of the Sudan include (a) conduct of military actions and reconnaissance operations; (b) movement of troops and military equipment without notification to the Ceasefire Commission; and (c) hostile acts against the civilian population.

78. The Panel has investigated cases in which the Government of the Sudan has initiated attacks against areas perceived to be providing or actually providing support to SLA. In some cases the attacks have been planned in advance while in other cases they have been undertaken in response to an initial SLA attack. The Panel has also gathered a substantial body of evidence which conclusively demonstrates that the Government of the Sudan continues to coordinate its military operations with armed groups affiliated to certain tribes.

Category III
Failure by the Government of the Sudan to identify, neutralize or disarm armed groups operating in Darfur

79. In paragraph 6 of its resolution 1556 (2004), the Security Council demanded that the Government of the Sudan fulfil its commitments to

> disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities.

This demand was reiterated in resolution 1564 (2004). Moreover, the Government of the Sudan undertook in the communiqué issued jointly by the Secretary-General and

the Government of the Sudan in July 2004 to ... immediately start to disarm the Janjaweed and other armed outlaw groups (see S/2004/635, annex).

80. The Panel has conducted meetings, interviews and field investigations to assess the degree to which the Government has fulfilled its obligations under the relevant Security Council resolutions and delivered on its commitments expressed in the communiqué of July 2004. In this regard the Panel requested information from a range of Government Ministries and institutions, including the Ministry of the Interior, the Ministry of Defence, the National Intelligence and Security Service and the Office of the Representative of the President to the Darfur States.

81. Early in March 2006 the Government of the Sudan provided the Panel with a copy of the draft plan for disarming armed militias in Darfur which the Government had submitted previously to the Ceasefire Commission.[10] The Ceasefire Commission subsequently requested clarification on certain aspects of the plan, and the Panel has been informed by Government of the Sudan interlocutors that the plan currently remains in draft form. Furthermore, in its written response to the first report of the Panel, the Government of the Sudan stated that the Government, "is determined and committed to the disarmament of all militias provided that the rebels identify and stay in their areas of control" (see S/2006/96, annex, para. 46).

82. The plan presented by the Government of the Sudan identifies four categories of armed groups — armed tribal militias, armed robbery gangs, rebel groups, Ribat groups — and presents actions for disarming each category of armed group.[11] The Government of the Sudan has communicated to the Panel its view that it will not disarm certain groups in Darfur until such time as the rebel movements have demobilized under any future agreement on security arrangements. The disarmament plan presented by the Government of the Sudan to the Ceasefire Commission does not in any way diminish the obligations of the Government to disarm non-State militia groups under resolutions 1556 (2004) and 1564 (2004).

83. In addition to the types of armed groups identified by the Government of the Sudan, the Panel has identified other armed groups operating in Darfur, including Chadian opposition groups, and rebel factions outside the two main rebel movements (SLA and JEM), such as NMRD.

84. The Panel recognizes the challenges faced by the Government of the Sudan in executing any disarmament plan, in view of the current security environment in Darfur. Actions taken by the Government of the Sudan to deploy forces to disarm armed groups may also constitute a breach of the N'Djamena Ceasefire Agreement and as such impose additional constraints on the Government.

85. These challenges notwithstanding, the Panel has found that the Government of the Sudan has failed to take appropriate steps to disarm non-State armed groups in areas where it can do so, particularly armed groups associated with tribes that on occasion have conducted military operations alongside Government forces. The Panel has found conclusive evidence of operational coordination between elements of the Sudanese armed forces and militia groups associated with tribes that support

[10] Document provided to the Panel by General Mohammed A. Mustafa Eldabi, Assistant Representative of the President to the Darfur States, on 10 March 2006.

[11] Ribat groups are defined by the Government of the Sudan as "Groups affiliated with the police and tribal leaders that were created for the protection of villages, water resources and property".

the Government.[12] The Ministries of the Interior and Defence, and the National Intelligence and Security Service, have not taken action to disarm armed groups in Darfur.

Category IV
Exacerbating tensions between ethnic, tribal and other groups in Darfur

86. SLA and the Government of the Sudan have exacerbated tensions between tribal groups in Northern and Southern Darfur as a result of the support they receive from and provide to certain tribes in Darfur. SLA in particular has exploited tribal differences to increase its support base.

87. The Government of the Sudan has initiated tribal reconciliation processes for particular incidents and for geographical areas. The Panel met with several representatives of the Tribal Reconciliation Committee in Northern Darfur.[13] The Committee communicated the view that tribal reconciliation processes will be essential to any sustained peace in Darfur. However, the Tribal Reconciliation Committee is unable to operate in certain areas of Northern Darfur because of insecurity. Furthermore, it is clear that the political discussions at Abuja and the nature of the conflict between the Government of the Sudan and the rebel movements in particular may go beyond the scope and capacity of the Tribal Reconciliation Committee.

Category V
Provision of support to groups engaged in ongoing hostilities

88. The provision of support to groups engaged in ongoing hostilities constitutes a serious impediment to the peace process. When this support is provided in the form of military equipment and supplies the provision of such support may also constitute a violation of the arms embargo (see section IV above).

89. As discussed above and described in more detail in the case studies below, the Panel has determined that the Government of the Sudan continues to provide operational support to armed militia groups. The Panel has gathered a substantial body of evidence — much of it during February and early March 2006 — to suggest that the Government of the Sudan continues to supply certain tribal militia groups with weapons and other military supplies. The Panel is currently pursuing its investigations in this area to identify the individuals responsible for providing this support.

90. The Government of Chad is providing a safe haven for groups that are acting to impede the peace process, specifically the National Movement for Reform and Development and the Field Revolutionary Command armed groups that have broken away from the main rebel movements and that operate under the control of Colonel Gibril Adbel-Karim Bari and Mohamed Saleh Hamid "Harba", respectively. The Panel has conducted meetings and telephone discussions with the senior leaders of

[12] Such evidence is presented in two case studies undertaken by the Panel: (1) the attacks on villages in the Tarni area, Tawilla District, on 18 and 19 September 2005; see case study 4 in the Panel's first report (S/2006/65, paras. 212-218); and (2) attacks in Sheiria during January and February 2006 (case study 9 below).

[13] Meeting held at El-Fasher, Northern Darfur, on 6 March 2006.

the two groups. The Panel met openly with representatives of NMRD in Tina, Chad, during September 2005.

Category VI
Impeding the mission or operations of AMIS

91. The Panel has gathered a significant body of information on acts of harassment or attack against AMIS personnel that pose a serious impediment to the work and mission of AMIS. AMIS personnel have been threatened by NMRD and SLA combatants. SLA has on a number of occasions — most recently on 10 March 2006 — forcibly entered AU camps and abused the facilities and personnel. NMRD continues to pose a serious impediment to the mission of AMIS, and has been identified by AU as being responsible for an attack on AMIS personnel early in January 2006 during which one soldier was killed and 10 were wounded.

Categories VII and VIII
Failure to enforce accountability or to fully implement Security Council resolutions on Darfur

92. The Panel previously reported that all parties to the N'Djamena Ceasefire Agreement and other belligerents operating in Darfur have failed to enforce accountability among combatants or other persons under their control for acts that may constitute violations of international humanitarian or human rights law. The actions taken by the Government of the Sudan to investigate and address allegations of violations of human rights or international humanitarian law in Darfur are described in more detail below (section VI.E).

93. SLA has failed to enforce accountability among its commanders and combatants for acts that may constitute violations of international human rights law. For example, SLA has failed to hold to account those who killed detained Government of the Sudan combatants during the SLA-initiated attack on Sheiria in September 2005.

Category IX
Impeding the process of peace negotiations

94. Continuing leadership disputes and power struggles within SLA pose a threat to the process of conducting the peace talks at Abuja. Moreover, early in 2006 SLA entered into cooperative agreements with JEM and NMRD. In the case of NMRD, which is not a party to the talks at Abuja and which has acted to impede the peace process, the inclusion of the group in the process through a coordination agreement with SLA represents an impediment to the peace process by SLA.

Category X
Cross-border incursions of military forces and armed groups

95. Cross-border incursions along the border between Chad and the Sudan by Sudanese armed forces, rebel groups such as NMRD, Chadian rebels, Chadian deserters and tribal militia groups pose a serious threat to stability in Darfur and the region. Examples of these incursions are given in section II above.

C. Violations of international humanitarian or human rights law

Refining the approach and methodology

96. The approach and methodology adopted by the Panel in provision of information on violations of international humanitarian or human rights law are described in detail in the Panel's first report (S/2006/65, paras. 166-176). The Panel continues to employ a technical, fact-finding approach to its work in this area, with a view to providing information on individuals who commit acts that may constitute violations of international humanitarian or human rights law.

97. In so doing, the Panel seeks to establish a factual basis — built on a substantial body of information and evidence, and consideration of this information "on the balance of probabilities" — as to the perpetrators of particular acts. The Panel does not work with a view to establishing beyond all reasonable doubt the criminal intent of those who may have perpetrated certain acts investigated by the Panel.

98. The Panel has emphasized that its role is to provide information on violations of international human rights law, and not on violations of Sudanese human rights law. This is an important distinction as there are certain areas of law in which the provisions of Sudanese domestic law and international law are not in congruence.

D. Findings: violations of international humanitarian law in Darfur

Pattern and nature of violations of international humanitarian law

99. The Panel has gathered and analysed information and conducted investigations on acts committed from 29 March 2005 to mid-March 2006 that may constitute violations of international humanitarian law. Investigations conducted by the Panel since the presentation of its first report focused on gaining additional information and evidence on the cases previously investigated by the Panel and on investigating incidents that occurred from 5 December 2005 to early March 2006.

100. The Panel found evidence of ongoing, widespread acts that may constitute violations of treaty-based and/or customary international humanitarian law, including:

- Violence to life and person, including acts of murder, mutilation, cruel treatment and torture of persons who are not, or are no longer, taking part in hostilities.
- Outrages upon personal dignity, including humiliating and degrading treatment of persons who are not, or are no longer, taking part in hostilities.
- The passing of sentence and the carrying out of executions without previous judgement pronounced by a regularly constituted court.
- Attacks directed against civilians or civilian objects.
- Indiscriminate attacks.
- Attacks expected to cause incidental loss of civilian life, injury to civilians, and/or damage to civilian objects which would be excessive in relation to the concrete and direct anticipated military advantage.
- Rape and other forms of sexual violence.

101. The Panel has found evidence that many attacks were undertaken — either by SLA, Government of the Sudan forces or armed militia groups in Darfur — without sufficient regard for the core principles of international humanitarian law, namely:

- **Distinction and precaution**. Taking measures to distinguish between combatants and civilians, and between military and civilian objects, and taking adequate precautions to ensure that this distinction is preserved. The Panel has found evidence of deliberate use by SLA of civilian objects and locations to conceal combatants and to blur the distinction between military and civilian persons or objects. The Government of the Sudan has moreover carried out operations in which it failed to adequately distinguish between combatants and civilian personnel.
- **Proportionality**. The Government of the Sudan and SLA have engaged in acts of reprisal and have undertaken military action intentionally disproportionate to the military objectives in certain instances.
- **Military imperative**. SLA has undertaken military actions, in the view of the Panel, for purposes of expanding its control in areas of Darfur in an apparent attempt to enhance its negotiating position within the Abuja process. In addition, SLA and the Government of the Sudan have undertaken attacks on groups that are perceived to be supporting or actually support the opposing party.

Case studies

102. The Panel performed case study analyses for three cases during the period from 5 December 2005 to 15 March 2006. The case studies are illustrative of the larger number of incidents that have occurred in Darfur during that period that may constitute violations of international humanitarian law. The Panel has compiled a selected list of significant incidents or attacks in Darfur from 1 November 2005 to 28 February 2006. Of the 45 incidents identified many involve the killing of civilians and looting of property. The sample list of incidents is presented in annex III.

103. The locations and dates of the three case studies are presented in table 2. The Panel performed the case studies using primary and secondary research techniques, including analysis of existing incident reports on the particular cases (AU, United Nations, other); primary interviews with eyewitnesses and victims (where possible); and field investigations. The case study findings are presented here without prejudice to the findings or results of investigations by other competent bodies.

Table 2
Case studies on significant incidents or attacks considered by the Panel

Case number[a]	*Location*	*Date(s)*
9	Sheiria, Southern Darfur	September 2005 to February 2006
10	Gereida, Southern Darfur	November 2005 to February 2006
11	Tiwal, Southern Darfur	18 December 2005

[a] The numbering of case studies continues from the eight case studies presented in the Panel's first report (S/2006/65).

Case study 9
Sheiria, Southern Darfur, September 2005 to February 2006

Introduction and background to the case

104. In its first report the Panel presented a case study on attacks in the area of Sheiria, Southern Darfur, during September 2005 (S/2006/65, paras. 219-223). Since the presentation of that case study the Panel has gathered additional information on the case, and has expanded the case study analysis to include the series of events in Sheiria from November 2005 to February 2006. This case study reflects a pattern of escalating conflict that the Panel has seen replicated in other areas of Darfur, particularly during the period from September 2005 to March 2006.

105. In September 2005 SLA forces attacked a Government of the Sudan military garrison and other Government premises in Sheiria and the surrounding area. People from Zaghawa tribes living in the area have been accused of supporting and collaborating with SLA and have subsequently been victimized and attacked by Government of the Sudan-supported militia and Sudanese armed forces.

106. Sheiria is the capital of the Sheiria locality in Southern Darfur. Three main ethnic groups inhabit the area — the Birgit (the majority), the Zaghawa and the Misseria. Sheiria locality is characterized by the territorial division between SLA and Government forces. SLA holds the towns of Muhajarra, Labado and Khor Abeche as well as much of the rural area of the Sheiria locality. The Government forces hold the other towns through a military or police presence. Sheiria is secured by military and police bases; Nitega is secured by an armed militia group associated with the Arab tribe in the area; Kazanjadeed is secured by a police base and Taisha by a military base. In some instances areas are held by militia groups associated with tribes that support the Government.

Description of events

107. On 19 September 2005 Sheiria town came under attack by SLA under the command of Jiddo Issa Sagur.[14] Government forces were ejected from Sheiria during the attack and 42 soldiers of the Sudanese armed forces were killed in the fighting. Fifteen unarmed Sudanese armed forces soldiers sought refuge in the AU camp. The SLA attack was focused on military and Government forces. There was a single civilian casualty — a child killed by a stray bullet. Military and Government property was looted and destroyed, but civilian property was not targeted. In the days following the attack some looting in the town occurred but it is unclear who was responsible for this activity. Several child soldiers were observed among the SLA forces. One boy in particular was noted because as a witness remarked, "his rifle was taller than him".[15]

108. In the aftermath of the attack AU personnel came under increasing pressure over four days to hand the Sudanese armed forces soldiers over to SLA. They steadfastly refused to do so despite being threatened with imminent attack by the large SLA force. On the afternoon of 22 September the AU personnel were finally given a 10-minute ultimatum by SLA to hand the soldiers over. Then, suddenly, the

[14] AU briefing, AU investigation reports, United Nations reports and interview with a member of the AU civilian police.

[15] Interview by Panel team members with eyewitness (name withheld).

situation was resolved by the arrival in Sheiria of a strong contingent of Sudanese armed forces, prompting the immediate withdrawal of SLA.[16]

109. The Sudanese armed forces under the command of Colonel Hali Abdallah reoccupied the garrison in Sheiria town.[17] A contingent of police under the command of Lieutenant Mohammed Fadala Abdel Salem also arrived and occupied the police station. SLA withdrew and established a base at Arto about 15 km west of the town.

110. On 24 September 2005 a large militia group from the Misseria tribe — under Nazir Tijani Abdelqader and based in the Nitega area of Southern Darfur — entered the town in the early morning.[18] They immediately commenced looting — they carried goods from shops and homes to the market area where they were loaded on to trucks and pack animals and transported away. These activities influenced many of the town's inhabitants, particularly Zaghawa people, and induced them to flee to the vicinity of the AU camp for protection. The Government forces did not intervene to stop or prevent the ongoing looting. They showed no objection to the presence of the militia group. The Sudanese armed forces were a significantly larger and better equipped force and could have acted against the Arab militia if they had chosen to do so.

111. Later in the day the Wali of Southern Darfur visited the area. He encouraged people to return to their homes promising safety and security. An estimated 40,000 people who were in the vicinity of the AU camp heeded his calls and returned home. The rest returned to their homes on 28 September 2005 after a committee had been formed to safeguard their interest.

112. The Birgit people in Sheiria under Omda Tierab are opposed to SLA and aligned themselves with the Government of the Sudan and the Arab Misseria militia. Within days of the Government forces retaking Sheiria a Birgit militia under Omda Tierab numbering about 200 emerged in the town. They were armed and trained by Government armed forces at Banjadeed.[19] Members of the Sudanese armed forces are embedded within this militia and have been identified as Corporal Mohammed Ibrahim and Lance Corporal Adam Fadul.[19]

113. After the SLA attack Zaghawa residents were accused of being supporters and collaborators of SLA. The Zaghawa inhabitants were soon confronted by acts of harassment and intimidation, including:[20]

- Arbitrary arrests by military intelligence, under the command of Captain Hassan.[21]
- Ten rapes over a short period by military and members of the armed militia group.

[16] AU briefing to the Panel, Sheiria, 4 March 2006.

[17] Identified in a confidential report provided to the Panel and in interview with witness (name withheld).

[18] Notes from interview by Panel investigator with eyewitness (name withheld by the Panel) and additional confidential reports provided to the Panel.

[19] Confidential reports provided to the Panel and interview with witnesses (names withheld).

[20] AU briefing to the Panel, Sheiria, 4 March 2006; witness interviews and confidential reports provided to the Panel.

[21] Confidential reports provided to the Panel and interview with witnesses (names withheld).

- Systematic assaults, including assaults on women and children.
- Intimidation by shots being fired near victim(s).
- Homes raided by armed militia accompanied by assaults, threats, gunfire and theft of property and livestock.
- Killings of civilians.
- Zaghawa children barred from attending school.
- Zaghawa prevented from drawing water from the communal well; they can do so only under AU escort.

114. On 5 January 2006 soldiers of the Sudanese armed forces together with Birgit militia swept through Sheiria town firing shots and whipping people while shouting that Zaghawa people were not wanted and must leave town. Approximately 5,000 people were forcibly displaced by this action.[21] SLA has retaliated by entering the town clandestinely at night and abducting and killing Birgit leaders or persons suspected of collaborating with the Sudanese armed forces and the militia.[22] These SLA activities together with the threat of another SLA attack have prompted many Birgit people to leave the town also.

115. Surrounding villages have come under attack by armed militia and the Sudanese armed forces:

- Tarna village, 20 km from Sheiria. On 8 January 2006 an armed militia group attacked the village. Several people were killed or injured. Women and children were whipped and beaten. Livestock and property was looted.
- Harba, 5 km from Sheiria. On 25 January a coordinated attack by armed Arab and Birgit militia (on camels and horseback) and Sudanese armed forces (in vehicles) swept through the town. An Antonov aircraft supported the attack by directing ground forces and conducting aerial reconnaissance. Eight villagers were killed and several were injured. Looting of livestock and property occurred.

116. After the attack on Harba the attackers (still Sudanese armed forces and militia in a coordinated group) moved west and commenced an attack on SLA positions at Arto. This attack was supported by Government helicopter gunships (Mi-24s) undertaking aerial reconnaissance and the direction of ground force operations and continued for two days.

117. On 14 February 2006 SLA positions at Arto again came under attack by Sudanese armed forces and militia. The attack was again supported by helicopter gunships — again apparently used to direct ground forces and conduct aerial reconnaissance. In the afternoon one of the Government Mi-24 attack helicopters was shot down by SLA. The pilot survived the crash and was captured by SLA. His co-pilot was killed in the crash.[23]

[22] Confidential reports provided to the Panel and AU briefing.

[23] Inspection of crash scene and witness reports.

118. On 5 March 2006 members of the Panel visited the pilot of the Mi-24 helicopter to confirm that he was being treated in accordance with the relevant provisions of international humanitarian law (treaty-based and customary) and to communicate directly the obligations of SLA under international humanitarian law to the SLA Commander for the region. The Panel members found the pilot to be in good health and he indicated that he was being well treated by SLA.

Discussion and findings

119. The findings of the Panel may be summarized as follows:[24]

- The attack on Sheiria by SLA was in violation of the N'Djamena Ceasefire Agreement. SLA has also violated the ceasefire agreement by occupying new areas.
- The Birgit militia groups are being coordinated and supported by the Government of the Sudan.
- The attacks on the two villages have been factually established. The attacks were perpetrated primarily against civilians and are therefore acts that may constitute violations of international humanitarian law.
- The victimization and harassment of the Zaghawa by the Government of the Sudan-supported militias is a violation of international humanitarian and international human rights law.
- The use of military attack helicopters and other aircraft for the purposes of supporting the operations of offensive groups constitutes an offensive military overflight.

Case study 10
Gereida, Southern Darfur, November 2005 to February 2006

Introduction and background to the case

120. There has been a sharp increase in violations of the ceasefire agreement in the area surrounding Gereida town since November 2005. Over 60 villages were attacked from November 2005 to February 2006. It is estimated that 300 people have died in the attacks; many are missing or have been abducted, and thousands of people have been displaced.

121. The work of AU has also been severely restricted and AU personnel themselves are threatened by attack and hampered by restrictions of movement that are enforced on them by the parties who are engaged in hostilities.

122. Gereida is an administrative area within the Buram locality. The head of native administration in Gereida is the Malik (King) of the Masalit tribe, Yagoub Mohammed Yagoub. He has 11 Omdas under his supervision. The major Arab tribe in the area is the Falata tribe; Yousef Alsaman Albashir is the Nazir of the Falata.

123. Conflict in the area started in March 2004 when SLA and JEM established a presence in the area — apparently at the request of local communities. To counter the expansion of the rebel movements, Arab tribes of the area — namely, the Falata,

[24] The findings presented here should be considered in conjunction with the findings of the Panel in its original case study on Sheiria presented in the Panel's first report (S/2006/65).

Habania, Mahadi and Mahreia — formed themselves into militia groups with the support of the Government of the Sudan and established themselves as a force in the area.[25] The militia leaders are inter alia Abdulah Abu Noba, Mohammed Yagoub, Mohammed Yahya, Ahmed Zamaneed, Muftar Idris, Alaig Algas, Mohammed Hassan Abdullah and Rajee Angee.[26] The Sudanese armed forces have a military garrison at Buram manned by the 101st Division.

124. Since October 2005 SLA under the command of Colonel Mubarrak Hamed Ali has expanded its presence in the area.[27] SLA forces have occupied new locations in Sanamal, Naga, Abu Jabra, Dito and Donkey Dereisa. During fighting from 5 to 14 November 2005, SLA occupied Gereida village with a strength of about one battalion — ostensibly to provide protection to the civilians there. JEM had a force at Idan under the command of Abdurahim Abakir Fadul and another at Hashaba under the command of Abdul Rahim Aboubakari. During the fighting in November they suffered heavy losses and are no longer in the area.[28]

Description of events

125. On 5 November 2005 an AU patrol encountered eight military vehicles of the Sudanese armed forces from the 101st Division at Buram. The strength of the patrol was about one company and it was under the command of Colonel Adam Ahmed. He informed the AU patrol that he was going to Dar al Salaam to assess the security situation there. This movement of Sudanese armed forces coincided with the attacks that occurred at Dar al Salaam early the next morning and gives credence to reports that the militia attack was coordinated with the Government of the Sudan and was supported by the Sudanese armed forces.

126. On 6 November 2005 fighting broke out in Dar al Salaam in the early morning when the town was attacked by Arab militia on camels and horses, supported by soldiers in vehicles. Over the next week fighting spread to Sergeila, Hashaba, Umbulula, Fafur, Gamari and Idan. It was widely reported by victims that well-armed men from Arab tribes mounted on horses and camels supported by Sudanese armed forces were attacking these largely Masalit villages.

127. The African Union sent out a verification patrol and encountered the Arab Nazir Samani Aboubakir. He told AU that the fighting was triggered by the abduction of five Arab men by the Masalit. He said that if the men were released he would stop the fighting.[28] JEM and SLA forces were actively resisting the attacks. JEM forces suffered heavy casualties at both Idan and Hashaba, and have not been encountered in the area again. The fighting continued for several days. It is estimated that 2,000 families fled from the fighting and arrived in Gereida village seeking the protection of AU and aid. The fighting stopped on 14 November 2005.

[25] AU briefing, confidential reports provided to the Panel and witness interviews conducted by the Panel (names withheld).

[26] Identified by witnesses interviewed by the Panel and confirmed by AU and United Nations sources.

[27] See AU report concerning Gereida and confidential sources interviewed by Panel investigator.

[28] AU reports provided to the Panel.

128. On 23 December 2005 AU brokered a ceasefire. The leaders of the Masalit tribe and the Falata tribe signed a ceasefire agreement. Within days an Arab militia disregarded the ceasefire agreement and attacked the village of Umbulula. Six villagers were killed in that attack.

129. On 17 January 2006 Arab militia attacked the village of Idan. Ten villagers were killed and property and livestock looted. On 27 January 2006 Arab militia supported by soldiers in vehicles attacked the villages of Donkey Abiad, Zuruk, Karabib, Dhakun Bara, Daiyacho, Abusheiba, Ibrahim Abdul, Arteba, Um Darabaye, Ummakar, Babunjera, Tabash, Minawar, Beit Adud, Imeta, Latop Shanga and Adinga. Fifty villagers were killed and large-scale looting of property and livestock occurred.

130. Members of Arab militia groups attacked the villages of Abdos and Mashroa on 28 January 2006. Ten civilians were killed in the attack. Witnesses again reported that soldiers in vehicles supported the attack. On 2 February 2006, Karakil, Arada 1 and Arada 2 were attacked.

131. Those attacks resulted in a further flood of refugees to Gereida. On 11 February 2006 soldiers of the Sudan Liberation Army arrested a group of Arab men and women harvesting crops from one of the deserted villages that had been attacked earlier. AU personnel, in an attempt to break the cycle of violence, mediated in this matter and arranged to return the captured people by helicopter to the village of Sergeila. On arrival with the released Arab group they found a large force of Arab militia together with a strong contingent of police dressed in military camouflage on vehicles. This encounter reinforced the persistent reports that Government of the Sudan forces support the Arab militia that has been attacking Masalit villages. During this meeting AU members were informed by the Falata Arab leader, Omda Yousef Alsaman Albashir, that the fighting would only end once the SLA forces withdrew from Gereida village. He also told the AU personnel that they too would be subject to attack by the militia if they patrolled certain routes within the area.[29]

132. On 14 February 2006 the villages of Tigla, Aradeb and Amurubi were attacked and looted. Twenty-eight villagers were killed. At the time of writing the situation remains volatile and tense.

Discussion and findings

133. The findings of the Panel may be summarized as follows:

- The attacks have been factually established. They have been perpetrated mainly against civilians and thus represent acts that may constitute violations of international humanitarian and human rights law.
- Militia groups associated with Arab tribes in the area of Gereida are being coordinated and supported by Government of the Sudan armed forces.
- The attacks constitute violations of the N'Djamena Ceasefire Agreement and a threat to stability in Southern Darfur.
- SLA has violated the ceasefire agreement by occupying new areas.

[29] Reports made during AU briefing to the Panel.

Case study 11
Tiwal, Southern Darfur, 18 December 2005

Introduction and background to the case

134. This case study describes an incident involving an attack by an armed militia group on the village of Tiwal. The details of the incident are derived from secondary sources, namely United Nations investigation reports and information supplied by the African Union.

135. About 7,000 people from the Fur, Dajo, Marrarit and Masalit tribes who are mainly farmers inhabit the village of Tiwal. Arab groups who are semi-nomadic cattle herders live around the village of Tiwal.

Description of events

136. On 18 December 2005 at approximately 10 a.m. Tiwal was attacked by about 500 armed militiamen on camels and horses. The attackers were armed with GM-3 and Kalashnikov assault rifles. The attackers fired into the village indiscriminately. They pursued men, women and children who were fleeing, shooting some of the fleeing men. The village was set on fire and destroyed. Six people were killed and three were seriously injured. The bodies were mutilated by being set alight. Crops were destroyed during the attack and property and livestock was looted. The entire population was displaced from Tiwal as a result of the attack.

137. Witnesses identified some of the attackers as Arab people who live near the village. Among those identified was one of their leaders, Omda Mahadi Mohammed Omer Al-Tinay.

138. The attack is similar to an attack to which this village was subjected a year previously. In the previous attack 17 villagers were killed and half of the huts in the village were burned down. After the attack survivors hid and lived in a forest. A month later they returned to the village and rebuilt it. A report was made to the police and a list of identified perpetrators was handed to the police. A team of police visited the village and noted the damage and deaths — but no other action has been taken since then. The named perpetrators have not been brought to justice nor was an attempt made to disarm the Arab militia that was responsible for the attack.

Discussion and findings

139. On receiving a report on the attack of 18 December 2005, the Governor of Southern Darfur immediately sent a high-profile delegation, including the Nyala Police Commissioner, to Tiwal to investigate. During this visit the Tribal Commissioner of Ed Al-Fursan and the Omda of the Beni Halba tribe publicly admitted responsibility for the attack, saying that Mahadi Mohammed Omer Al-Tinay led the attack on their instruction in retaliation for the killing of a camel herder and some camels a few days earlier.

140. The Governor of Southern Darfur subsequently appointed an investigation committee composed of representatives of the Prosecution Office, national security, military intelligence and police to attend to this matter. An undertaking was also made to establish a police presence at the village to provide security to the villages.

141. On 19 February 2006 Ahmed Ali El-Mutakasi, the Chief Prosecutor of Southern Darfur in Nyala, reported that the Committee had not started its work and that no investigation had been done. The Chairman of the Committee, Tilal Sayr Al-Khatim, reported that until the Government provided a vehicle they were unable to undertake the work. They had apparently not seen the list of perpetrators that was prepared for them by the people of Tiwal. At the time of writing the police have not yet established a presence in the village.[30]

142. The fact that the attackers were well armed with automatic assault rifles is a further indication that the Government provided support to them. This is reinforced by the failure of the Government to promptly investigate this matter in a competent way.

143. The findings of the Panel may be summarized as follows:

- The attack has been factually established. It was perpetrated against civilians and is in violation of international humanitarian and human rights law.
- There is reasonable basis for believing that Omda Mahadi Mohammed Omer Al-Tinay led the attack.
- The Government of the Sudan has failed to comply with its obligations under international law to provide protection for civilians and, despite setting up an investigation committee, has not been able to undertake a competent investigation with a view to prosecuting the culprits.
- The Government has also failed to honour its obligation under resolution 1591 (2005) to disarm militia — in particular the Arab militia that is implicated in this matter.

Violations of international humanitarian law and tribal reconciliation in Darfur

144. The Government of the Sudan has presented the Panel with information on tribal reconciliation processes in Darfur which have been initiated or facilitated by the Government authorities. At a meeting with Dr. Abdulmuneim Osman Mohamed Taha, Rapporteur of the Advisory Council on Human Rights, and his colleagues, the Panel was presented with the reconciliation agreement signed by tribal leaders in relation to a significant attack at Hamada in January 2005.[31] The reconciliation agreement states that the parties now consider the case to be closed.

145. The Panel has emphasized its role of providing information to the Committee on individuals who commit violations of international humanitarian or human rights law. Tribal reconciliation processes do not diminish the obligations of parties to the conflict under international humanitarian and human rights law.

146. At a meeting with Mawlana Dafallah el-Haj Yousif, former head of the National Commission of Inquiry in the Sudan, the Panel posed the question of the relationship between the national and international obligations of the Government of the Sudan on one hand and the tribal reconciliation processes on the other. The eminent judge expressed the view that tribal reconciliation processes could only be

[30] Members of the Panel's team made several attempts, from 7 to 13 March 2006, to meet with the Chief Prosecutor for Southern Darfur to discuss this case.

[31] Meeting with the Advisory Council on Human Rights, Khartoum, 26 February 2006.

initiated after criminal justice and that Sudanese legislation must be in accordance with the Sudan's international obligations under the treaties which it has ratified.[32]

E. Findings: violations of human rights in Darfur

Human rights in Darfur

147. The Panel has not attempted to provide a comprehensive picture of the human rights situation in Darfur in this report. Several recent reports produced by various entities within the United Nations system have provided important information on the human rights situation in Darfur, including the monthly reports of the Secretary-General on Darfur, and the second periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan.[33]

148. The Panel has the task of providing information on individuals who commit violations of international human rights law. In pursuit of that objective the Panel has identified some of the most critical challenges to fulfilment of human rights in Darfur, how some of the fundamental human rights are being violated and, to the extent possible, by whom.

149. The Panel has previously identified human rights from which States parties to various international human rights treaties may not derogate, even in times of public emergency, including (a) the right to life; (b) prohibition of torture and cruel, inhumane or degrading treatment or punishment; (c) prohibition of slavery; (d) prohibition of imprisonment because of inability to fulfil a contractual obligation; (e) prohibition of retroactive application of criminal law; (f) right to recognition as a person before the law; and (g) freedom of thought, conscience and religion.

150. Many of these non-derogable human rights are reflected in the Bill of Rights contained in the new Interim Constitution of the Republic of the Sudan (July 2005).

Violation of the right to life

151. The most serious threats to the right to life in Darfur emanate from the ongoing hostilities in which civilians have been directly targeted by combatants, and the state of lawlessness in many areas of Darfur, which has resulted in banditry, abductions and other threats to physical safety. The pattern of violations of the right to life is characterized by a combination of significant attacks (see case studies 9 and 10 above) and isolated attacks perpetrated by individuals.

152. In cases of significant attacks it has been possible to identify individuals who have committed the attacks and the Panel continues to provide such information to the Committee. In the case of isolated attacks, the Panel is not in a position to identify those who commit the attacks as this would require significant personnel resources.

---

[32] Meeting with Mawlana Dafallah el-Haj Yousif and Omer el-Farouq Shummaina, Khartoum, 9 March 2006.

[33] Office of the United Nations High Commissioner for Human Rights, Second periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan (Geneva, January 2006).

Arbitrary arrest and detention without trial

153. The National Intelligence and Security Service continues to conduct arbitrary arrests and to detain individuals without access to legal representation or a fair trial. The Panel has gathered information on a number of cases of arbitrary arrest and detention in both Northern and Southern Darfur.

154. The Panel met with the Director of National Security for Northern Darfur State, Hassan Mustafa, and other members of the National Intelligence and Security Service.[34] Initially at that meeting the representatives of the Service insisted that they had not detained anyone since March 2005. After continued questioning on this issue, however, the representatives of the Service acknowledged that they had indeed detained individuals upon the instructions of the Wali, and that the Wali was responsible for such detentions.

155. The representatives of the National Intelligence and Security Service stated that they were acting in accordance with Sudanese law and that the Wali was acting in accordance with the powers transferred to him in the light of the situation of public emergency prevailing in Darfur. The Panel responded that it was mandated to provide information on individuals who commit violations of international human rights law, and not on individuals who commit violations of Sudanese human rights law. Therefore, even if personnel of the National Intelligence and Security Service act in accordance with Sudanese domestic law, their actions may constitute violations of international human rights law.

156. One example of detention of individuals by the National Intelligence and Security Service is the detention of 18 persons from the Zaghawa tribe in Sheiria on 3 November 2005. Those individuals were detained at the National Security Detention Facility in Nyala, Southern Darfur. Ten of the detainees were released in mid-December 2005 and on 17 January 2006 six of the remaining detainees were transferred to El-Gaili "Dabak" National Security Detention Facility in Khartoum. The remaining two detainees were released at that time.

157. In this and other cases on file with the Panel there is evidence to demonstrate that some detainees have been ill-treated and subjected to torture and degrading treatment while in detention.

Ongoing work on other areas of human rights violations

158. The Panel has gathered a substantial body of information pertaining to other areas of human rights violations, including sexual and gender-based violence; violation of children's rights; constraints on access to food and humanitarian assistance; cases of harassment and exploitation etc. The Panel is working to analyse the information provided with a view to making available to the Committee information on these types of human rights violations in reports of the Panel under any future extended or renewed mandate.

[34] Meeting at El-Fasher, Northern Darfur, 3 March 2006.

Actions taken by parties to the conflict to safeguard human rights

Actions taken by the Government of the Sudan

159. The Government of the Sudan has provided information to the Panel of Experts on several initiatives undertaken by the Government to investigate and address allegations of human rights violations in Darfur since 2004.

160. Those initiatives include, but are not limited to:

- The specialized courts operating in Northern and Southern Darfur.
- The Special Criminal Court on the Events in Darfur, established by decree in June 2005.
- The establishment of a special prosecution bureau for crimes against humanity.
- The Committee to draft the statute of the national commission on human rights.
- The establishment of the Council of the Judiciary.
- The establishment of a unit in the Ministry of Justice entrusted with combating violence against women.

161. The Panel recognizes that the Government of the Sudan faces significant security, logistical and administrative challenges in implementing initiatives to effectively investigate and address allegations of human rights violations in Darfur.

162. Those challenges notwithstanding, the Panel maintains that the Government of the Sudan is failing to take the necessary steps to effectively address allegations of human rights violations in Darfur, to address the actuality and perception of a pervasive culture of impunity in Darfur, and to enforce accountability on individuals who have committed human rights violations in Darfur. This assertion is based on meetings, consultations and investigations conducted by the Panel in Khartoum and Darfur during the period from August 2005 to March 2006. The many observations of the Panel that have led to this assertion include the following:

- In its response to the first report of the Panel, the Government — commenting on the findings of the Panel as presented in the case studies on significant incidents or attacks in Darfur — stated that it would conduct investigations into the incidents identified by the Panel. Some of the incidents dated back to April 2005 and this raises the question why the Government of the Sudan did not itself initiate those investigations.
- The Government of the Sudan has not aggressively pursued investigations of significant attacks in areas under its control, even in cases where the Government authorities have been provided with the names of suspects. The Panel has found several cases where the Office of the Prosecutor (for example, in Southern Darfur) has failed to request that an investigation be initiated by the police into a particular incident, notwithstanding the fact that Sudanese law provides that an investigation can be initiated at the request of the Chief Prosecutor or the Attorney General in the absence of a complaint.

- The Advisory Council on Human Rights provided the Panel with information on cases against the Security Service and its members before the ordinary courts. Of the 13 examples given that included a date of the complaint, all but one case predated 2003.
- The specialized courts operating in Northern and Southern Darfur had by October 2005 heard only six cases (three in Northern Darfur and three in Southern Darfur).

163. There remains a significant gap or disconnect between the establishment of initiatives to address human rights violations in Darfur and the effective implementation of those initiatives. The degree to which the Government of the Sudan is seriously committed to addressing human rights violations in Darfur will be reflected in the decisive actions that it will need to take to narrow this gap in the future. In pursuit of its mandate to provide information in individuals who commit violations of human rights in Darfur, the Panel will continue to provide information on actions taken by the Government in this regard.

164. The main rebel movements — SLA in particular — have failed to effectively investigate and address allegations of human rights abuses committed by their combatants and other members. Moreover, SLA — operating in the context of the N'Djamena Ceasefire Agreement — has expanded its areas of control and has initiated attacks against Government of the Sudan armed forces and police (in violation of the Agreement), thereby limiting the ability of the Government to investigate and address allegations of human rights violations in certain areas of Darfur.

F. Offensive military overflights

165. The Panel developed a number of criteria to assist in its determination of what might constitute an "offensive" military overflight. Criteria identified by the Panel include:

- Overflight in pursuit of a specific military objective which is undertaken for purposes other than defending the aircraft from a clear and imminent threat.
- Use of the aircraft to achieve military advantage disproportionate to that required to neutralize a clear and imminent threat.
- Unprovoked attack with aircraft, such as strafing or bombing a village.
- Use of aircraft in support of offensive ground operations.
- Retaliatory attack.
- Flights that deposit troops participating in an imminent offensive operation.
- Operation of the aircraft in a manner to intimidate or harass, for example flying mock attack runs, frightening children and animals, destroying buildings with rotor wash, sonic booms, etc.

Use of aircraft in support of offensive ground operations

166. The Government of the Sudan continues to use fixed-wing and rotary-wing aircraft for aerial reconnaissance missions and for directing ground forces engaged in military operations (case study 9 above).

G. Observations and recommendations

Impeding the peace process

167. The Panel has identified serious impediments to the peace process in several categories. Foremost among these impediments are (a) the actions of SLA that constitute a breach of the N'Djamena Ceasefire Agreement, including the expansion of areas under their control, and (b) the failure of the Government of the Sudan to identify and neutralize non-State armed groups in Darfur.

Recommendation 7. Designation of senior leaders

168. The Security Council Committee should act swiftly to designate members of the senior leadership within SLA and the Government of the Sudan as being subject to the measures imposed in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005).

Recommendation 8. Imposition of collective measures

169. The Security Council should consider imposing additional measures as envisaged under Article 41 of the Charter of the United Nations on SLA and the Government of the Sudan, as collective entities, rather than on individuals for their actions that impede the peace process.

* * *

170. As a confidence-building measure between the parties to the N'Djamena Ceasefire Agreement and to demonstrate the ability of representatives of the parties to exert influence over their subordinates in Darfur, the AU Mediation Team facilitating the talks at Abuja may wish to consider requiring the parties to commit themselves to a temporary cessation of military activities on the ground as a precondition for continuing negotiations on the enhanced humanitarian ceasefire agreement.

Violations of international humanitarian or human rights law

171. The Panel continues to provide information to the Committee on individuals who have committed acts that may constitute violations of international humanitarian or human rights law.

Recommendation 9. Designation of individuals

172. On the basis of that information and information from other sources, the Security Council Committee should act swiftly to designate individuals who have committed acts that may constitute violations of international humanitarian or human rights law as being subject to the measures imposed in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005).

Recommendation 10. Enhanced capacity of the Panel

173. The Security Council should consider enhancing the capacity — through additional personnel and resources — of the Panel to provide information on individuals who impede the peace process, constitute a threat to stability, commit violations of international humanitarian or human rights law, or are responsible for offensive military overflights. This enhanced capacity should include dedicated investigation and analysis teams.

Recommendation 11. Children and armed conflict

174. The Security Council should request the Committee to consider information on children and armed conflict presented to the Council by the Secretary-General under the monitoring and reporting mechanism established in Security Council resolution 1612 (2005).[35] The Committee would then use this information to assist in the deliberations on the possible designation of individuals who commit violations of international humanitarian or human rights law as being subject to the measures in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005).

Recommendation 12. Civilian protection monitoring mechanism

175. In the event of a future transition from AMIS to a United Nations operation in Darfur, the Security Council should include a strong civilian protection dimension in the mission's mandate. The Council may wish to consider also the establishment of independent, international civilian protection monitoring mechanisms to monitor and report immediately on acts that may constitute violations of international humanitarian or human rights law in Darfur. That team would work independently, but under the protection of a possible future United Nations force.

Offensive military overflights

176. Possible options for consideration by the Security Council to address the continued conduct of offensive military overflights by the Government of the Sudan include the following.

Recommendation 13. Air exclusion zone

177. The Security Council should consider establishment of an air exclusion zone (no-fly zone) over the entire Darfur region for all Government of the Sudan aircraft.

[35] The 2005 report of the Secretary-General on children and armed conflict (A/59/695-S/2005/72) lists parties in the Sudan, a country on the agenda of the Security Council, that recruit or use children in a situation of armed conflict.

Annex I

Institutions consulted

New York

Various humanitarian and human rights non-governmental organizations

London

Foreign and Commonwealth Office

The Hague

International Criminal Court

Addis Ababa

African Union Conflict Management Division

African Union Darfur Integrated Task Force

United Nations Liaison Office to the African Union

Khartoum

Advisory Council on Human Rights

African Union Mission in the Sudan

Ministry of Foreign Affairs

National Intelligence and Security Service

Sudanese armed forces

United Nations Children's Fund

United Nations Mission in the Sudan

United Nations Office for the Coordination of Humanitarian Affairs

Darfur

African Union Mission in the Sudan (force headquarters at El-Fasher and various sector/group site camps)

Arab tribal leaders (Northern Darfur)

Committee on the Prevention of Violence against Women and Children (Northern Darfur)

National Intelligence and Security Service

Office of the Wali, Northern Darfur

Police Force and Central Reserve Police, Northern Darfur

Representatives of the judiciary

Sudan Liberation Army/Movement

Tribal Reconciliation Committee, Northern Darfur

United Nations Mission in the Sudan

Various international and Sudanese non-governmental organizations

Western Military Region Command, Sudanese armed forces, El-Fasher

Annex II

Categories of acts that impede the peace process or constitute a threat to stability in Darfur and the region

Category I

A. Consistent, wilful and systematic violations of the N'Djamena Ceasefire Agreement of 8 April 2004, including failure to:

- Refrain from any recruitment operations
- Refrain from any military action, and any reconnaissance operations
- Disengage and refrain from any deployment, movement or action which could extend the territory under its control or which could lead to a resumption of hostilities
- Stop laying landmines; mark and signpost any danger areas or minefields
- Refrain from supplying or acquiring arms and ammunitions
- Refrain from any act of violence or any other abuse on civilian populations
- Stop any act of sabotage
- Stop any restriction on the movement of goods and people
- Stop any form of hostile act, including hostile propaganda
- Ensure humanitarian access
- Refrain from any military activity which, from the opinion of the Ceasefire Commission or the Joint Commission, could endanger the ceasefire

B. Failure of belligerents other than parties to the N'Djamena Ceasefire Agreement operating in Darfur (e.g. militia groups) to cease hostilities and to desist from acts such as those identified in Article 2 of the N'Djamena Ceasefire Agreement

Category II

Failure of the Government of the Sudan, SLM/A and JEM to abide by the provisions of the Protocol on the Enhancement of the Security Situation in Darfur (9 November 2004)

Category III

Failure of the Government of the Sudan to identify, neutralize and disarm armed militia groups, in line with its commitments and obligations under the Protocol on the Enhancement of the Security Situation in Darfur mentioned above, relevant Security Council resolutions, especially resolution 1556 (2004) (para. 6), and the communiqué issued jointly by the Government of the Sudan and the Secretary-General on 3 July 2004 (S/2004/635, annex)

Category IV

Actions intended to exacerbate tensions between ethnic, tribal, political and other groups in Darfur

Category V	Provision of support (financial, military, logistical, other) to militia groups and other parties that are engaging in ongoing hostilities
Category VI	Hostile acts committed against AMIS troops, civilian police or AU Ceasefire Commission personnel; other acts intended to impede or frustrate AMIS operations in pursuit of its mandate
Category VII	Failure of parties to the conflict in Darfur to enforce accountability among combatants or other persons under their control for violations of international humanitarian or human rights law
Category VIII	Failure by the Government of the Sudan and other States to fully implement resolutions of the Security Council concerning the situation in Darfur
Category IX	Acts that impede or constrain the process of conducting peace negotiations, including divisions and power struggles within the various parties to the peace process that unduly delay or frustrate the negotiations
Category X	A. Cross-border incursions by armed forces of States or State-supported armed groups into Darfur or other parts of the Sudan
	B. Incursions by parties to the N'Djamena Ceasefire Agreement and other belligerents operating in Darfur into Chad or other States bordering western Sudan

Annex III

Selected list of security incidents and attacks in Darfur, 15 November 2005 to 28 February 2006

	Date	*Place*	*Province*	*Description*
1.	7-15 November 2005	Gereida	Nyala	On 6 November 2005 fighting broke out in Dar al Salaam in the early morning when the town was attacked by Arab militia on camels and horses supported by soldiers in vehicles. Fighting spread to Sergeila, Hashaba, Umbulula, Fafur, Gamari and Idan. It has been reported that well-armed Arab militia mounted on horses and camels supported by Sudanese armed forces were attacking these largely Masalit villages. JEM forces suffered heavy casualties at both Idan and Hashaba and 2,000 families fled from the fighting. The fighting stopped on 14 November 2005.
2.	18 November 2005	Jebel Moon	Geneina	Attack by Sudanese armed forces from Minu military base: 150 soldiers in 5 trucks and 12 Land Cruisers accompanied by 2 military helicopters; 7 civilians injured. Looting of livestock and property. (Sudanese armed forces announce that they have been conducting operations to expel Chad dissident forces from Sudanese territory.)
3.	21 November 2005	Kasip	Nyala	Attack by the armed militias during which 11 civilians were killed and 26 injured.
4.	23 November 2005	Hinkasip	Nyala	Attack by armed militia group; 14 civilians killed and 27 injured.
5.	29 November 2005	Kulbus	Geneina	AMIS patrol attacked. 5 AMIS soldiers injured. Gibril Abdel-Karim of NMRD was responsible and threatened further attacks particularly on United Nations helicopters.
6.	30 November 2005	Marla	Nyala	Attack by armed group during which 7 civilians were killed and 25 injured; 10,000 cattle looted.
7.	3 December 2005	Nyala, Um Kunya	Nyala	Sudanese armed forces and armed militia attacked SLA; 11 civilians killed and 7,500 people displaced.
8.	4 December 2005	Donkey Dereisa	Nyala	SLA forces attacked Sudanese armed forces garrison.

	Date	*Place*	*Province*	*Description*
9.	8 December 2005	Ongonya near Marla	Nyala	Arab militia attack series of villages over several days: 10 civilians killed in Ongonya, 15 civilians killed in Hijir Tono. In Likelik village a woman killed, at Eiyal Amin 5 killed and 12 injured.
10.	December 2005	Masteri near Geneina	Geneina	Sudanese armed forces attacked SLA — fighting occurred over 3-day period.
11.	15 December 2005	Bajoie near Marla	Nyala	Armed militia group in Government of the Sudan military vehicles attacked village, killing 9 civilians and injuring 7.
12.	18 December 2005	Andre	Geneina	Clashes between Chad military and Chad rebels. Build-up of armed forces from both States. Security in Geneina restricts United Nations to town only.
13.	18 December 2005	Tiwal	Nyala	500 armed men from the Beni Halba tribe attacked town. Civilians shot, huts burned, water tanks and farms destroyed. Almost all of the 7,000 civilians in Tiwal were displaced.
14.	19 December 2005	Abu Sorouj	Geneina	Militia group attacked 19 villages, burning huts and looting livestock. Several women and children were killed.
15.	30-31 December 2005	Gereida	Nyala	Arab militia attacked the village of Umbulula. 6 villagers were killed.
16.	6-8 January 2006	Muhajiriya	Nyala	Continued flying of Government military Antonov aircraft in the Muhajiriya area for 3 consecutive days.
17.	6 January 2006		Geneina	Attack on AMIS patrol: 1 soldier killed and 10 injured. AMIS investigation concluded that Gibril Abdel-Karim of NMRD was responsible.
18.	7 January 2006	Silea and Kulbus	Geneina	Fighting between Government of the Sudan and SLA followed by militia attack on Kongo Haraza.
19.	7 January 2006	Timet, Sugu	Geneina	Attack on villages by militia group spanning 4 days; 7 people killed, 5 injured, burning of houses and rape of 36 women and girls. Property and livestock looted; 2,015 people displaced.

	Date	Place	Province	Description
20.	8 January 2006	Abu Zere'ga	El-Fasher	Government of the Sudan police ambushed by SLA: 4 policemen killed and 20 abducted.
21.	9 January 2006	Soru village	Geneina	Five men on horses and camels attacked Soru village supported by men in a Toyota Land Cruiser wearing khaki camouflage uniform.
22.	10 January 2006	Tawilla	El-Fasher	Attack on Tawilla, Northern Darfur.
23.	15 January 2006	Tady	El-Fasher	Village attacked by SLA: 1 civilian killed and 10 injured.
24.	16 January 2006	Dadi	El-Fasher	Government of the Sudan police patrol ambushed by SLA, 1 policeman killed, 16 injured.
25.	17 January 2006	Jebel Marra	North	Clashes between Government of the Sudan and SLA in Rokero area; 1,000 persons displaced.
26.	17 January 2006	Idan	Nyala	Village attacked by armed militia group. 9 people killed. AMIS prevented from reacting by SLA.
27.	18 January 2006	Menawashie	Nyala	Government of the Sudan police ambushed by militia group. Sudanese armed forces responded by sending strong military patrol to area. Fighting caused WFP and all NGOs to withdraw from (Mahadi tribe) area; 55,000 people displaced by fighting.
28.	19 January 2006	Mornei	Geneina	Tensions between the Sudan and Chad. Government of the Sudan has reportedly been recruiting Sudanese into the Chadian opposition and is training them in camps near Mornei camp for internally displaced persons. Five training camps are reported where about 20,000 men were undergoing training.
29.	19 January 2006	Dito	Nyala	Build-up of militia near Dito because of attack by Donkey Dereisa on 24 December; 70 per cent of population fled.
30.	23 January 2006	Dito, Gereida	Nyala	Arab tribal militia attacked village.
31.	23 January 2006	Golo	Geneina	SLA force of 160 attacked Sudanese armed forces and fighting continued for several days.

	Date	Place	Province	Description
32.	25 January 2006	Sheiria	Nyala	Fighting between SLA and Sudanese armed forces: 40 people killed, 10,000 people displaced.
33.	26 January 2006	Nyala	Nyala	Violence between Dinka and Zaghawa tribes — 500 people displaced.
34.	27 January 2006	Gereida	Nyala	Arab militia supported by soldiers in vehicles attacked the villages of Donkey Abiad, Zuruk, Karabib, Dhakun Bara, Daiyacho, Abusheiba, Ibrahim Abdul, Arteba, Um Darabaye, Ummakar, Babunjera, Tabash, Minawar, Beit Adud, Imeta, Latop Shanga and Adinga; 50 villagers were killed and large-scale looting of property and livestock occurred.
35.	28 January 2006	Gereida	Nyala	Arab militia attacked the villages of Abdos and Mashroa; 10 villagers were killed. Witnesses reported that soldiers in vehicles supported the attack.
36.	30 January 2006	Tawilla	El-Fasher	Kunjara Shemal attacked by 30 SLA combatants. At least five civilians injured. Details sketchy.
37.	2 February 2006	Gereida	Nyala	Karakil, Arada 1 and Arada 2 attacked by Arab militia supported by Sudanese armed forces; 5 villagers killed and villages burned.
38.	5 February 2006	Um Khabirni	Nyala	Village attacked by 27-strong armed group after villagers refused to sell them millet. Warehouse looted, no casualties.
39.	7 February 2006	Tawilla	El-Fasher	Town attacked by tribal militia group: killing, looting, raping, torching of houses and kidnapping of civilians. Also claimed that police from surrounding hills continuously shot into camp for internally displaced persons.
40.	14 February 2006	Reel/Arto near Sheiria	Nyala	Attack on SLA positions by Sudanese armed forces and militia. Sudanese armed forces helicopter gunship shot down.
41.	16 February 2006	Gereida	Nyala	300-500 members of Arab tribal militia attack Umm Rabi village: 38 people killed including 3 children.

	Date	Place	Province	Description
42.	21 February 2006	Eiyal Amin	El-Fasher	Um Kadada, Eiyal Amin, Al Tawisha and Al Lait villages attacked by Sudanese armed forces in clashes with SLA.
43.	22 February 2006	Eiyal Amin	El-Fasher	Villages of Shag Zaroog, Shag El Jamos, Morro and Homooda attacked by Sudanese armed forces. Burning and looting occurred; 1 woman raped.
44.	23 February 2006	Golo	Geneina	12 SLA soldiers on vehicles attacked a Sudanese armed forces checkpoint: 1 death and 1 injury.
45.	25 February 2006	Golo	Geneina	Sudanese armed forces and SLA clash.